

Applicants : Eric David Harper, *et al.*
Appl. No. : 10/736,038
Examiner : Murali K. Dega.
Docket No. : 20503-4023

REMARKS

Claims 1-25 are pending in the present application.

Claims 1-25 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,189,146 to Misra, *et al.* ("Misra").

Claims 1-25 have been amended within the subject matter of the application as filed.

It is respectfully submitted that no new matter has been added.

Reconsideration of the application as amended herein is respectfully requested.

CLAIM REJECTIONS

Rejections under 35 U.S.C. §102(b)

The Office Action has rejected Claims 1-25 under 35 U.S.C. §102(b) as being anticipated by Misra. Regarding Claim 1, the Examiner stated that Misra discloses a licensing server, multiple clients, and the use of standard communication methods, thus teaches the system of Claim 1 for controlling the use of a software application on a plurality of computers comprising a plurality of computers, a server, communication means, and a transaction arrangement. 05/29/2008, Office Action, p. 2. Applicants respectfully submit that Claim 1, as amended, is not anticipated by Misra from the following analysis.

Misra discloses a software licensing system that allows for prevention of an issued license from being copied from one client to another. Misra, abstract. Misra's system distributes software licenses to clients until the supply of non-assigned licenses is exhausted. Misra, col. 2, lines 56-61. When a client requests a license, the license server of Misra initially checks if the requesting client has already been issued a license. Misra, col. 3, lines 1-3. When a license is already issued to the requesting client but the license is lost by the client, the license server

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reissues the existing license to the client such that the client recovers the license. Misra, col. 3., lines 3-7; col. 4, lines 54-58, emphasis added. From the foregoing, Misra teaches that once a license is issued to a client, the license is assigned to the client because when the client lost the already-issued license, the server reissues the lost license back to the client. Emphasis added.

In contrast, Claim 1, as amended, recites that “the license is returnable by the one computer to the server for use by another computer of the plurality of computers.” As discussed above, because Misra teaches that a license is attached to the assigned client so that once a license is assigned and distributed, the license is not reusable by another client. Therefore, Misra does not teach this feature of Claim 1, thus Claim 1 and Claims 2-10 that depend from Claim 1 are not anticipated under 35 U.S.C. §102(b) by Misra.

Regarding Claim 11, the Examiner stated that Misra discloses a license management system for controlling the use of at least one given software application respectively on a plurality of computers comprising an application store, a remote data store for storing information concerning a license, a remote data store for storing identification information, a remote data store for storing identification information, and a transaction arrangement. 05/29/2008, Office Action, pp. 5-6. Claim 11 teaches substantially similar features of Claim 1 and recites “the license is returnable by the one computer to the server for use by another computer of the plurality of computers.” As discussed above, Misra does not teach this feature of Claim 11, therefore Applicants respectfully submit that Claim 11 and Claims 12-20 that depend from Claim 11 are not anticipated under 35 U.S.C. §102(b) by Misra.

Regarding Claim 21, the Examiner stated that Misra discloses a computer programmed to perform a transaction for enabling of a given software application, the transaction arrangement

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comprising; creating a license file for a license; assigning to said license file a serial number; assigning to said license file an identification code; transmitting to a server a request to execute said given software application; and transmitting with said request said serial number and said identification code. 05/29/2008, Office Action, pp. 8-9. Claim 21 teaches substantially similar features of Claim 1 and recites “**the license is returnable by one computer of the plurality of computers to the server for use by another computer of the plurality of computers.**” As discussed above, Misra does not teach this feature of Claim 21, therefore Applicants respectfully submit that Claim 21 and Claim 22 that depends from Claim 21 are not anticipated under 35 U.S.C. §102(b) by Misra.

Regarding Claim 23, the Examiner stated that Misra discloses a method for controlling the execution of a given software application on a plurality of computers including a server, comprising: creating a license file on a respective said computer for a license; license assigning to the license file an identification code; formulating a request to execute said given software application; and transmitting said request with said serial number and said identification code to a server. 05/29/2008, Office Action, pp. 10-11. Claim 23 teaches substantially similar features of Claim 1 and recites “**the license is returnable by the one computer to the server for use by another computer of the plurality of computers.**” As discussed above, Misra does not teach this feature of Claim 21, therefore Applicants respectfully submit that Claim 23 and Claims 24-25 that depend from Claim 23 are not anticipated under 35 U.S.C. §102(b) by Misra.

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CONCLUSION

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (650) 614-7400. If there are any additional charges, please charge Deposit Account No. 15-0665.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

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By: Sanjeet K. Dutta
Sanjeet K. Dutta
Reg. No. 46,145

Orrick, Herrington & Sutcliffe LLP
4 Park Plaza, Suite 1600
Irvine, California 92614-2558
(650) 614-7647 (telephone)
(650) 614-7401 (facsimile)

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